

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 22, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEFFREY L.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03274-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 16, 23

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 23, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Kathryn Miller

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 7.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**.
5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that:

9 The Appeals Council will affirm the finding of disability for the period from
10 July 1, 2015 through August 31, 2016. With regard to the unfavorable periods at
11 issue, if the Appeals Council is unable to issue a favorable decision, the Appeals
12 Council will instruct the ALJ to:

13 (1) Give Plaintiff an opportunity for a hearing;
14 (2) Obtain supplemental medical expert evidence to assist in evaluating
Plaintiff's mental and pulmonary impairments;
15 (3) Further consider Plaintiff's impairments at step three of the sequential
evaluation process;
16 (4) Further consider the medical opinion evidence pursuant to 20 C.F.R. §§
404.1527 and 416.927;
17 (5) Further evaluate Plaintiff's residual functional capacity;
18 (6) If necessary, obtain supplemental vocational expert evidence; and
19 (7) Issue a new decision for the periods from the alleged onset date of
October 30, 2012 through June 30, 2015, and again beginning on
September 1, 2016.

20 ECF No. 23 at 1-2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, ECF No. 16, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, enter **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED July 22, 2020.

s/Mary K. Dimke

MARY K. DIMKE

UNITED STATES MAGISTRATE JUDGE